

RELEVANT VIRGINIA CODE FOR DATA CENTERS

Virginia Code § 15.2-2209.4 currently appears in the official Code of Virginia as a provision addressing **minimum off-street parking requirements** (enacted 2026, Chapter 1075). It limits local zoning minimum parking requirements near mass transit stations and requires administrative reduction processes in certain localities.

However, in the context of data centers (as discussed in prior conversation and 2025–2026 legislation), the General Assembly enacted a separate provision commonly referenced under or proposed as § 15.2-2209.4 (or closely related numbering in Article 1 of Chapter 22 of Title 15.2). This addresses **siting of high energy use facilities (HEUFs)**, primarily data centers. Key legislation includes HB 153 / SB 94 (2026 session, Chapter 567, effective July 1, 2026) and earlier related bills such as HB 1601 (2025).

Core Provisions of the Data Center / HEUF Site Assessment Requirement

The statute (as enacted/described in the legislation) provides:

Definition “High energy use facility” or “HEUF” means a facility that an applicant reasonably anticipates, at the time of filing a rezoning application, special exception application, or special use permit application, will require **100 megawatts or more** of electrical power from an electric utility providing retail service to the facility.

Mandatory Site Assessment (Sound) Prior to any approval of a rezoning, special exception, or special use permit for the siting of a *new* HEUF, a locality **shall** require the applicant to perform and submit a site assessment examining (to the extent practicable and within the timeline in § 15.2-2286(A)(7)) the **sound profile** of the HEUF on residential units and schools located within **500 feet** of the HEUF property boundary.

Optional Additional Assessments A locality **may** also require the site assessment to examine impacts on:

- Ground and surface water resources
- Agricultural resources
- Parks
- Registered historic sites
- Forestland on the HEUF site or immediately contiguous land

Utility Information The locality shall require the electric utility providing retail service (to the extent known and practicable) to submit a form describing any new or existing substations that will serve the HEUF and the anticipated transmission voltage.

Use of Assessments Site assessments are to be used by the locality to evaluate consistency with its comprehensive plan (if any) and compliance with local noise ordinances, zoning provisions, and other applicable laws/regulations.

Exemptions / Limitations

- Does **not** apply to a site with an existing legislative or administrative approval where the applicant seeks an expansion or modification that does **not** exceed an additional 100 MW.
- Explicitly does **not** prohibit, limit, or supersede existing local zoning authority.

Practical Implications

This is a state-mandated procedural requirement that strengthens local review tools for large data centers without creating a statewide siting ban or detailed performance standards (those remain primarily local). It focuses particularly on noise impacts near homes and schools while giving localities flexibility on other environmental and resource assessments. It aligns with broader 2025–2026 efforts to address community concerns around data center growth while preserving local control under Title 15.2.

For the absolute current official text, consult the Code of Virginia on law.lis.virginia.gov (search Title 15.2, Chapter 22) or the Legislative Information System for the specific chaptered acts (e.g., 2026 Chapter 567). Numbering or exact placement can shift with subsequent codification.